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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/855,120      | 05/14/2001  | Andreas Wagner       | P01,0094            | 9054             |

7590 02/17/2005

Schiff Hardin & Waite  
Patent Department  
233 South Wacker Drive -6600 Floor Sears Tower  
Chicago, IL 60606

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| EXAMINER |
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BASS, JON M

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3629

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                 |               |  |
|--|-----------------|---------------|--|
|  <b>Office Action Summary</b> | Application No. | Applicant(s)  |  |
|  | 09/855,120      | WAGNER ET AL. |  |
|  | Examiner        | Art Unit      |  |
|  | Jon Bass        | 3629          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>L.B. 02/09/05</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action deals with the Postage Metering Machine. It has eleven claims pending for examinations.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter in which the applicant regards as the invention.

Claim 10 is focusing on “detecting tampering”. Furthermore, the entirety of the claim is directed to “tracking the location”; therefore, it’s not clear and precise to one skilled in the art to understand the direction of the Applicant’s claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Dieter Pauschinger et al. (US Patent Number 6,523,014) hereinafter referenced as (Pauschinger).

**As for Claim 1:**

Pauschinger discloses a method and system enabling a postage meter machine (fig1; element 10; postage meter machine) for franking postal (col.3; lines 36-38, franking unit) matter comprising the steps of:

providing a base unit (fig 1; element 17 and 20; data center and printer)with a printer unit, having an identification code, for printing franking imprints (col. 6, lines 65-67; franking imprints) on postal matter respectively representing monetary values that are debited in an accounting unit ( col. 5; lines 20-22, accounting and debiting) in said meter;

coupling said base unit to a meter to form a postage meter machine;

after coupling said meter and base unit, and before initialization of said postage meter machine, establishing communication between said postage meter machine and a data center (fig 1, element 10 and 22; postage meter machine and data center) remote from said postage meter machine and transmitting said identification code from said postage meter machine to said data center;

at said data center, evaluating said identification code and, if said identification code is valid, transmitting an enable code from said data center to said postage meter machine;

and allowing said postage meter machine to frank postal items only after said enable code is transmitted to said postage meter machine (col.4, lines 1-6; franking imprints transmits data to the center for franking).

**As for Claim 2:**

Pauschinger discloses a method and system comprising providing said printer unit (fig 1; element 17, printer) with a serial number (data) and using said serial number as said identification code (col.3; lines 48-50, identification data).

**As for Claim 3:**

Pauschinger discloses a method and system comprising assigning said serial number to said printhead upon manufacture of said print head, and storing said serial number in an electronic memory associated with said printhead (col.4 ; lines 1-7, identification data stored) and (fig 1; element 13; memory).

**As for Claim 4:**

Pauschinger discloses a method and system comprising, after establishing communication between said postage meter machine and said data center, (fig1; element 10 and 22, postage meter machine and data center) executing a remote recrediting between said postage meter machine and said data center with an additional data transmission for transmission of said identification code ( col.4; lines 1-19; transmitted requested identified data for verification).

**As for Claim 5:**

Pauschinger discloses a method and system comprising storing said identification code at said data center (fig 1; element 20, data center) allocated to additional data (fig 1; element 23, additional data) selected from the group consisting of customer data, postage meter machine data and time data (col.5, lines 45-50; postal address stored in data bank).

**As for Claim 6:**

Pauschinger discloses a method and system comprising tracking a location of said base unit said printer unit (fig1, element 17; printer) at said data center (fig 1, data center) dependent on said identification code (identification data) transmitted to said data center.

**As for Claim 7:**

Pauschinger discloses a method and system comprising cryptographically encrypting (col.6, lines 8-10; data to be encrypted) said transmission between said postage meter machine and said data center (transmission of postage meter machine and data center).

**As for Claim 8:**

Pauschinger discloses a method and system franking postal items, comprising:  
a postage meter machine comprising a meter coupled to a base unit (fig 1, element 10, postage meter machine with a unit), with a printer unit (fig 1, element 17, printer unit) in communication with said meter for producing franking imprints (col.3, lines 65-66; authentic franking imprints) on postal items with respective values of said franking imprints being debited in an accounting

unit in said meter (col. 5, lines 20-23; accounting or debiting data), said printer unit having an identification code;

a data center located remote from said postage meter machine; said postage meter machine having a communication arrangement which, after coupling said meter to said base unit, establishes communication with said data center and transmits said identification code to said data center (col. 6, lines 49-53; communications with data center);

an evaluation arrangement at said data center for evaluating said identification code and, if said evaluation code is valid, for transmitting an enable code from said data center to said postage meter machine (fig 1, element 10, postage meter machine);

and enabling circuitry in said postage meter machine for enabling said printer unit to generate said franking imprints (col.3, lines 65-66; authentic franking imprints) only after said postage meter machine receives said enable code.

**As for Claim 9:**

Pauschinger discloses a method and system wherein said data center includes a memory (col.6, lines 43-45; programmed in memory) for storing said identification code allocated to further data, selected from the group consisting of customer data, postage meter machine data and time data (col.6, lines 46-47; specific recipients data stored).

**As for Claim 11:**

Pauschinger discloses a method and system comprising: a base unit; a meter coupled to said base unit and a printer unit in communication with said meter, said printer unit (fig 1,

element 17; printer) producing franking imprints (col.3, lines 65-66, franking imprints) on postal items with respective franking values debited in an accounting unit (col.5, lines 20-22; accounting or debiting) in said meter, said printer unit having an identification code (col.3, lines 48-50; identification data); a communication arrangement adapted to establish communication between said postage meter machine and a data center (col. 6, lines 49-53; communications with data center); remote therefrom which, after coupling said base unit and said meter and before initialization of said meter, transmits said identification code to said data center (col.6, lines 49-53; communications with data center);; and an enabling circuit allowing said printer unit to generate said franking imprints (col.3, lines 65-66, franking imprints) only after receipt of an enable code at said postage meter machine from said data center in response to transmission of said identification code.

### **Conclusion:**

The prior art that was cited has not been used in conducting a decision but has been considered pertinent to the applicant's disclosure.

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at (703) 305-0383 between the hours of 9-6pm Monday through Friday. The fax number where the application is being processed is (703) 872-9306.

If for any reason the examiner is unavailable, the immediate supervisor, **John Weiss** can be reached at (703) 308-2702.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks



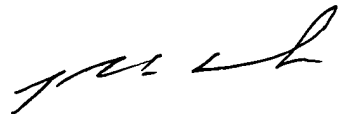
Application/Control Number: 09/855,120  
Art Unit: 3629

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C/O Technology Center 3600

Washington, D.C. 20231

Or faxed to:



**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
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*J.B.*